

A special meeting of the City Council of the City of Newburgh was held on Tuesday, August 30, 2016 at 5:00 P.M. in the Council Chambers at City Hall, 3rd Floor, 83 Broadway, Newburgh, New York 12550

The Prayer was led by Rev. Timothy Riss followed by the Pledge of Allegiance.

Present: President Pro-Tem Abrams presiding; Councilwoman Angelo (Arrived at 5:40 p.m. at end of meeting), Councilman Harvey, Councilwoman Holmes, Councilwoman Mejia, Councilwoman Rayford - 6
Absent: Mayor Kennedy - 1

COMMENTS FROM THE AUDIENCE REGARDING THE AGENDA

There were no comments.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

CITY MANAGER'S REPORT

City Manager, Michael Ciaravino said that he has no formal report this evening and the reason for calling this special meeting is because we have been working on numbers to enable us to maintain continuity with regard to the Police Department. There are a number of anticipated vacancies, some of which were just realized recently, and for us to meet this September's Basic Training deadline we wanted to have direction from the Council with regard to the proposal we are making this evening about temporary Budget lines for Police Department positions in order to get training started before these retirements occur and make the deadlines for the Police Academy this September.

RESOLUTION NO.: 220 - 2016

OF

AUGUST 30, 2016

**A RESOLUTION AUTHORIZING THE ADDITION OF
FOUR (4) POLICE OFFICER POSITIONS ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, due to attrition in the Police Department, it has become necessary to create four (4) positions of Police Officer in the Police Department to maintain existing staffing levels; and

WHEREAS, the Police Department has advised the City Manager that the department expects 1 police officer to retire in 2016 and 3 additional police officers to retire in January 2017; and

WHEREAS, the Police Department proposes to create four (4) additional police officer positions in order to send a recruit class of 8 to the Police Academy which begins on September 26, 2016; and

WHEREAS, the creation of the additional Police Department positions will be on a temporary basis and funded by current savings of vacant positions and the renewal of the GIVE Grant for the 2016-17 Fiscal Year; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2016 be amended, and that there be and hereby is four (4) additional positions in the job title "Police Officer" on a temporary basis in the Police Department.

Councilman Harvey asked Police Chief, Dan Cameron to speak on the urgency of this and from a budgetary perspective where the funding is coming from.

Police Chief, Dan Cameron explained that our last meeting was on August 8th and the next Police Academy is scheduled to start on September 26th. They are in the Academy for approximately five months and then they do at least twelve weeks of field training so it is almost a year before they are actually considered to be manpower on the street. Since the last Council meeting he has been made aware of three anticipated retirements and he tries to put as many people as possible into the

Academy to keep up with anticipated vacancies. Since January, 2015 we have hired nineteen people which is a lot of turnaround so we are trying to stay ahead of the curve and keep as many people on the streets as we are allowed. Going into the Police Academy we will have four vacancies by January of next year and the Police Academy that starts in September won't graduate until March. He is trying to stay ahead of the curve and if we wait until the next Council Meeting then we will have to wait until March of next year to send them to the Academy so this way we are getting a six month jump on it.

Councilwoman Abrams said that at the Budget meeting it was brought up that we would have a special meeting.

Chief Cameron said that he did mention it and at that time he was still working with the City Comptroller to see what they could afford.

Councilman Harvey said that at his Budget meeting he had officers being requested to come onto the Force in the 2017 Budget as well so is this included or is it separate?

Chief Cameron said this is separate. This is just for anticipated retirements.

Councilwoman Mejia said that they are just trying to see if there are enough funds to cover September, October, November and December.

Police Chief Cameron responded, "That is correct".

Councilwoman Rayford said that in the Budget meeting he requested ten.

Police Chief Cameron said that he requested four and the year previously he had requested ten using crime statistics. This is just to keep us whole for what we have already budgeted for this year.

Councilman Harvey said that with these four positions on a temporary basis what happens in January, 2017 if the Council agrees that they be put on the Force?

Police Chief Cameron said that if this passes, within the first couple of weeks of the Academy one person would then become permanent because we have a retirement at the end of September. The other three retirements will be by January 23rd where then the other three at the Academy would then become permanent. If we don't put people into the Academy now then come January at minimum we will be short four Officers.

President Pro-Tem Abrams asked the City Comptroller to explain the finances on this.

Katie Mack, City Comptroller, said that they have been looking at putting a spending freeze in place and by September 1st she will actually have those numbers to pull out of Budgets but she is not doing an overall ten percent out of everyone's Budget. She is looking at each individual Department to identify what costs we have until the end of the year that she cannot avoid and what savings we have or vacancies with savings on employees and health benefits. Looking at the Police Budget and identifying where we are going to be at the end of the year and in support of getting these Officers on now so that we don't run into overtime issues the total cost to support it from now through December will be \$69,442.00. That is for the four extra Officers with their benefits fully loaded. She has done the analysis and there may be some shortfalls as we get to the end of the year but in that anticipation she is offsetting other Departments that have had major savings.

Councilman Harvey asked if the \$69,442.00 is just for the four and what is the amount for the other resolution.

Katie Mack, City Comptroller said that this amount is just for the four temporary officers since they don't know who is going to go into the temporary Sergeant position. If it is a six year Officer, it would be a \$6,600.00 hit from this year's Budget because we would only be paying the difference in the salary. If it ends up being a Detective, which is a higher grade, it will be around \$4,300.00. It is a very minimal hit to the Budget so combined we are looking at somewhere around \$70,000.00 between now and December to move this forward. On the other resolution, in the book they are going to show that Sergeant line as just the additional amount. We will budget it for the higher amount but it won't be a new position it will just show the difference in salary.

Councilman Harvey asked Ms. Mack in terms of her confidence and being able to appropriate funds from other departments in savings on a scale from one to ten, with ten being the greatest confidence.

Katie Mack, City Comptroller said that she would give it a ten.

Councilman Harvey said in terms of worst case scenario if we go over their spending budget with the overtime and there are no funds then what happens?

Katie Mack, City Comptroller said that worst case scenario would be to have to go to Fund Balance. We have approximately four million dollars there and she would have to come before the Council to let them know of the shortages. The Fund Balance is like our safety net and that would be the last resort.

Councilman Harvey said that would be the worst case scenario.

Katie Mack, City Comptroller added that after these monies are moved over she will continually watch the revenue. We are done with the fourth quarter collection of taxes which is why she is pretty confident in saying she knows what we have and what is going to come in between now and December.

Councilwoman Holmes moved and Councilman Harvey seconded that the resolution be adopted.

Ayes - Councilwoman Abrams, Councilman Harvey, Councilwoman Holmes, Councilwoman Mejia, Councilwoman Rayford - 5

ADOPTED

RESOLUTION NO.: 221 - 2016

OF

AUGUST 30, 2016

**A RESOLUTION AUTHORIZING THE ADDITION
OF ONE (1) SERGEANT POSITION ON A TEMPORARY BASIS
IN THE CITY OF NEWBURGH POLICE DEPARTMENT**

WHEREAS, due to the defunding of a sergeant position in connection with the PSN Grant Award, it has become necessary to create one additional position of Police Department Sergeant so that there are sufficient personnel capable of performing such duties in the Police Department; and

WHEREAS, the Police Department has advised the City Manager that the department is in need of an additional individual to perform the duties of "Sergeant"; and

WHEREAS, the creation of the additional Police Department Sergeant position will be on a temporary basis; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the Personnel Analysis Book for the fiscal year 2016 be amended, and that there be and hereby is created one (1) additional position on a temporary basis in the job title "Sergeant" in the Police Department.

Councilwoman Holmes moved and Councilman Harvey seconded that the resolution be adopted.

Ayes – Councilwoman Abrams, Councilman Harvey, Councilwoman Holmes, Councilwoman Mejia, Councilwoman Rayford – 5

ADOPTED

OLD BUSINESS

There was no old business.

NEW BUSINESS

Councilman Harvey asked the City Manager for an update on the Police Chief position.

City Manager, Michael Ciaravino said that the Civil Service Commission is reaching out to Albany in regard to this unique situation. Chief Cameron took the Civil Service test in Orange County and received the top score but it is not acceptable or comparable to the City of Newburgh test and there are no other individuals in the Police Department who are qualified. All of the individuals who took the City test and passed have declined the position so we would like to make Police Chief Cameron permanent because he meets the qualifications. We don't know what the State Civil Service will determine and there is one issue that he is seeking legal advice on. He has been told that this will be discussed at the next regularly scheduled Civil Service Commission meeting so in the meantime being that there is no one else to fill this position they would like to continue with Chief Cameron and his leadership while these legal issues are being resolved. They hope to get some direction from the State of New York to make this position permanent but in the meantime he assured the City Council that we are in good hands with Dan Cameron's leadership.

Councilman Harvey said thank you as the information is very helpful because he gets bombarded with e-mails and phone calls regarding this matter. He said that he openly supports Chief Cameron and will continue to support him but they really want to be able to do whatever it is to get a permanent Police Chief so that they can move on from this issue. He is also getting e-mails and phone calls regarding the city ordinance that states all of our department heads should reside in the City of Newburgh. We currently have a newly appointed Comptroller who doesn't reside in the City and Chief Cameron doesn't either so he asked the City Manager how we are going to deal with that issue?

City Manager, Michael Ciaravino responded that the City Council passed a law for all new Department Heads to reside in the City of Newburgh. Some Department Heads who have been working for the City are effectively grandfathered in but any replacements would have to reside in the City of Newburgh. Appointees such as Dan Cameron are also grandfathered in with the residency requirement being a twenty-five mile radius. Thus far there have been no legal challenges and based on the Comptroller's desire to live in the City of Newburgh that will happen.

Councilwoman Holmes asked the City Manager to see that legal opinion because she e-mailed him over a year ago and submitted a FOIL for it but never received it.

There being no further new business this portion of the meeting was closed.

COMMENTS FROM THE AUDIENCE

There were none.

COMMENTS FROM THE COUNCIL

Councilman Harvey thanked Chief Cameron once again for his diligence because the work of our Police Department is significant. He believes that if we can address the crime, which is the nucleus of our problems, then we can start to turn the corner on revitalization, new home ownership, new businesses, economic stimulus and infrastructure improvements.

Councilwoman Holmes said that with all of this controversy going on with Jack Powell, the newly appointed Civil Service person, she did not know him and she wants her colleagues to know that. She did receive a call from Jack Powell who reminded her that in 2015 when she was first elected he met her, the Mayor and Councilwoman Mejia at an event at N.F.A. for Black History Week. She just wants to set the record straight and let everyone know that she did not know anything about Jack Powell. With the Leach investigation she was told not to interfere or she would be prosecuted so she did not even know who was in that investigation. As for the Chief, she supports Dan Cameron but she is a previous Civil Service Commissioner and she wants to go by the process. She feels that everyone should have to take a test otherwise we are going to have a trend and people are going to say that if he doesn't have to take it then nobody else does either. She was there and she knows that Ferrara took a Deputy Chief Test so she just wants to set the record straight for all of these rumors going around. She knows that Chief Cameron has done a lot which she appreciates and she has nothing against him. She just wanted to set the record straight.

Councilwoman Mejia said that everybody is committed to serving the City of Newburgh to the best of our abilities. She wants to think that we all come from a place where we want to see improvements for our entire City. If we were to hold an Election right now both Michael Ciaravino and Dan Cameron would highly be elected to serve the positions that they are currently in. She thanked them both for the work that they do and agreed that we do have bumps and tough discussions which have to be worked on. The situation with the Civil Service Commission has turned into a very public, complicated and embarrassing public discussion. She wishes it had not taken that route and that people would have talked more to one another. She doesn't go by what other people tell her. She reaches out to the individuals directly to find out the whole story. We have to constantly ask questions so how do we move forward with the Civil Service Commission so that we create a balanced conversation that speaks to actions and what is in the best interest of the City of Newburgh? Knowing what we know now what are the things that are going to be put in place collaboratively from the Executive Office and the Civil Service Commission? What still needs to be addressed and how do we move forward? In reference to making sure that we keep our Police Department staff, she feels that we have to have a balance. We also have to

keep DPW and our Fire Department properly staffed so she commends all of the Department Heads for having these tough discussions and our new Comptroller for inviting the Council to participate in the Budget discussions early on so that we can see this balancing act they need to do in order to carry out the business of the City. Lastly we have to have the discussion about Economic Development. Safety is a component but another component is a discussion on the revenue side for our City and how do we balance that out. We have to have a discussion that does not displace individuals who have been here for generations but that welcomes everyone who wants to be a productive member of our Committee.

Councilwoman Rayford congratulated Katie Mack on her new position. She developed a relationship with Chief Cameron through the Newburgh Zion Lions and while on the City Council so she thanked him and his team of Officers for their tremendous work. Growing up in the City of Newburgh having a relationship with the Police at a young age was good but with our youth today there is a stigma of fear on both sides because of what is happening in our World today. She encouraged him and his team to hang in there and help bring this City to the beautiful place that it should be. With the Civil Service Commission she keeps hearing about past practices and when things were allowed so she asked the City Manager that since he is dealing on a State level will this be another Litigation that will cost the City? She asked him to please be effective in his communication and let them know what is going on before she hears it on the television which is embarrassing and out of order. We are in a continuous stage of taking care of the City workers but now we have to focus on the City and the people. The residents that live here and the business owners because we have to show that we can do something for them with safety by getting these cameras up as well as with cleanliness and paving the roads. We have to give back to the community. The Mid-Broadway Project is still on a standstill and there are a lot of things that haven't been done so we need to get together and move forward. She thanked everyone for coming out tonight.

Councilwoman Angelo is preparing for the Waterfront Festival which will be starting on Friday at 5:00 P.M. All of the rides are set up and people are starting to get excited.

Councilwoman Abrams thanked everyone for coming out tonight.

There being no further business to come before the Council the meeting adjourned at 5:45 P.M.

LORENE VITEK
CITY CLERK